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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,692	02/15/2001	Zackery Alolabi	2716TC-045254	4535

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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,692

Applicant(s)

ALOLABI, ZACKERY

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Applicant amended Claims 5-7 and 10. All pending claims (1-11) were examined in the non-final Office Action necessitated by new grounds of rejection.

Response to Arguments

Drawings

No record exists of the Applicant filing drawings in response to the Draftsperson's Patent Drawing Review included with the Office Action mailed on 19 November 2003, and noted in the Office Action mailed 24 August 2004.

Rejection under 35 USC 112 second

The Applicant amended to overcome rejection under 35 USC 112 second, now withdrawn.

Rejection under 35 USC 103(a)

Applicant's arguments filed 21 September 2004 have been fully considered but they are not persuasive. Applicant's arguments are base on new subject matter. Please see Rejection under 35 USC 112, first paragraph.

Drawings

1. The drawings are objected to because the Applicant has not responded to a previous objection based on Draftsperson's Patent Drawing Review included with the Office Action mailed on 19 November 2003. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding Claims 1 and 5, the subject matter claims “preferences include at least one start date and at least one end date, collectively defining at least one time interval, designated by the prospective recipient, during which the prospective recipient would prefer to have the at least two orders delivered.” is not supported in the specification through express, implicit, or inherent disclosure. Please see MPEP 2105.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As claimed, the use of the word

registrant is confusing. The specification discloses "registrants" as being a recipient, someone other than the recipient, or one who orders goods. The specification at least further discloses a) purchased goods being delivered, b) a registered bride receiving purchased items (implicitly discloses others making a purchase), and c) "people enjoy giving flowers to newlyweds." For examining purposes of Claims 1 and 2, a "registrant" is assumed to be a "purchasing registrant" to distinguish from a registrant as a "recipient."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-11 are rejected under 35 USC 103(a) as being unpatentable over Robertson (Paper #5, patent number 6,609,106), in view of Martin et al. (Paper #10, patent number 5,809,479 hereinafter referred to as "Martin").**

Robertson teaches a system, means, and method for providing an electronic multi-merchant gift registry service over a distributed network. Robertson teaches a registrant making preference selections for a "wish list" remotely being stored in a database, users making database queries, associating with an online flower merchant, and filling orders placed by remote users over the Internet (see at

least abstract; Fig. 1 (40, 50, 60, 70); col. 1, line 10 through col. 3, line 64).

Robertson further teaches:

- Establishing a registry of prospective recipients: An online gift registry service provides registration of information for a gift registrant (hereinafter referred to as "recipient") and allows access to the registry by potential gift giver users (hereinafter referred to as "users") to make purchases based on occasion dates (see at least abstract; col. 3, lines 15-64); recipient registers with gift registry site (see at least Fig. 1 (70, 71, 74, 76); col. 9, lines 55-63); making database queries (see at least Fig. 29; col. 18, lines 32-33).
- Enrolling the preferences of the prospective recipients into the registry: recipient enrolls over the Internet web site to establish a wish list (please note examiner's interpretation: a wish list created by a recipient is a list containing the recipient's preferences) (see at least col. 2, lines 14-34).
- Receiving at least two orders of perishable goods to be provided to the prospective recipients: participating merchants can be online flower merchants (also referred to as florist by Robertson) (see at least col. 25, lines 25-28; col. 27, line 7); a recipient wish list having at least three different gift items selected by the recipient (see at least Fig. 33 ("Wish" List for Joseph Smith)) (please note examiner's interpretation: at least three different orders can be executed, one order per wish list item);

- Matching at least two orders with the preference of the prospective recipient: recipient wish list can have more than one product listed; users desiring to make purchases for a specific recipient is matched with recipients preferences (see at least Fig. 30 (530, 535, 540); Fig. 33; col. 22, line 58 through col. 23, line 3).
- Preferences by another: making purchases based on a merchant's targeted sale (see at least col. 10, line 54-56).
- Perishable goods: participating merchants can be online flower merchants (also referred to as a florist by Robertson) (see at least col. 25, lines 25-28; col. 27, line 7).
- Timing system: reminder subsystem to trigger purchases leading to product delivery; a service provider notification subsystem to trigger purchase events leading to product selling (see at least

Robertson teaches all the above as noted under the 103(a) rejection and teaches a) potentially filling at least two orders for delivery to a recipient based upon recipient preferences on a wish list with shipping information stored in a gift registry, subsequent purchases being associated with a particular date or occasion, b) a participating merchant among a plurality of participating merchants being an online flower merchant, and c) estimated delivery dates (see at least Fig. 36), but does not disclose filling at least two orders over a predetermined period of time by delivering the perishable goods to the prospective recipient on at least two different days. Martin teaches an on-time delivery system for goods.

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Martin teaches a computer system that maintains customer order and delivery preferences in a database (see at least Fig. 1 (12, 14, 16, 22, 24, 26); col. 2, lines 28-38). Martin teaches customers specifying early and late delivery limits which specify on-time windows relative to delivery dates which are requested or expected by the individual customers (see at least col. 2, lines 48-54). Therefore it would have been obvious to one of ordinary skill in the arts to modify the method of Robertson to include early and late delivery date limits as taught by Martin, in order for the recipient to specify a preferred delivery interval for an order, and thereby attract recipients to the online floral service desiring delivery windows.

Robertson and Martin teach all the above as noted under the 103(a) rejection and teach a) a recipient specifying more than one gift on an online wish list, b) at least two potential orders based on a recipient's wish list, and the recipient establishing gifts for at least two different occasions, and c) a recipient specifying a delivery window for orders, but do not disclose a delivery date for at least two orders. It would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Robertson and Martin to disclose two different days, since one of ordinary skill in the art would ascertain a delivery window for each occasion.

Pertaining to system Claims 1-4

Rejection of Claims 1-4 is based on the same rationale as noted above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

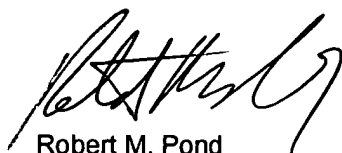
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or faxed to:

703-872-9306 (Official communications; including After Final
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



Robert M. Pond
Primary Patent Examiner
January 14, 2005